

**VILLAGE OF EMPIRE PLANNING COMMISSION  
ADOPTED BY-LAWS**

**SECTION 1. AUTHORITY**

These rules of procedure are adopted by the Village of Empire Planning Commission (hereinafter referred to as the "Commission") under the Municipal Planning Act 285 of 1931, as amended, and under the Open Meetings Act 267 of 1976, as amended. The following rules and "Robert's Rules of Order" (where Robert's does not conflict with these rules) shall govern the deliberations and the generally accepted parliamentary procedures for all meetings of the Commission.

**SECTION 2. RESIDENCY**

Members of the Planning Commission shall be qualified electors of the village, except that two of the planning commission members may be individuals who are not qualified electors of the Village but are qualified electors of another local unit of government.

**SECTION 3. OFFICERS**

- A) ELECTION OF OFFICERS:** At their regular April meeting, the Commission shall elect from its membership a Chairperson, Vice-chairperson, Treasurer and Secretary who shall take office immediately following their election. The officers shall serve for one year or until their successors take office. Officers are eligible for re-election.
- B) CHAIRPERSON DUTIES:** The Chairperson shall preside and preserve order at all meetings of the Commission. In the absence of the Chairperson, the Vice-chairperson shall assume the duties of the Chairperson and shall succeed to the office of Chairperson in the event of a vacancy in that office. The Commission shall then elect a successor to the office of Vice-chairperson at the earliest practicable time.
- C) TREASURER DUTIES:** The Treasurer shall be responsible for the keeping of the financial statements of the Commission and shall report on the financial status of the Commission at their regular meetings.
- D) SECRETARY DUTIES:** The Secretary shall be responsible for the preparation of minutes, the keeping of pertinent public records, the delivery of communications and related items of business, issuing notices of public hearings and performing related administrative duties to assure the efficient and informed operations of the Commission. The Commission may consider it necessary to appoint an employee to perform the duties of the Secretary. This employee shall be subject to the same provisions of law that govern other corresponding civil employees of the municipality. In the event the Secretary or appointed employee is absent at a meeting, the Chairperson or acting Chairperson shall appoint a temporary Secretary for the meeting.
- E) RESIGNATIONS:** Members electing to resign from the Planning Commission should do so in writing to the Village Council President and the Planning Commission Chair.

## **SECTION 4. MEETINGS**

- A) MEETING NOTICES:** Each year, the regular meetings scheduled for the upcoming year shall be posted at the Empire Village Office and shall include the date, time, and place of the meeting, in accordance with the Open Meetings Act. Notice of special meetings, public hearings or changes in the date, time or place of a meeting shall be posted at the Village Office and when possible, at three other public places in the Village.
- B) REGULAR MEETINGS:** Regular meetings of the Commission may be held on the first Tuesday of every month at 7:00 p.m., at the Empire Town Hall 10088 Front St. If a regularly scheduled meeting falls on or near a legal holiday, the meeting may be rescheduled to a more suitable date in the same month.
- C) SPECIAL MEETINGS:** Special meetings may be called at the request of the Chairperson or any three members of the Commission. Proper notice shall be given to members and the public at least eighteen hours in advance of the meeting in accordance with the Open Meetings Act.
- D) PUBLIC HEARINGS:** Hearings shall be scheduled, and due notice given in accordance with the provisions of the applicable act or ordinance that the hearing is being held.
- E) QUORUM:** Four members of the seven members Commission shall constitute a quorum for the transaction of business at all meetings. Whenever a quorum is not present at a meeting the meeting shall be adjourned. The Chairperson shall schedule the next meeting and provide proper notice to the members and the public.
- F) VOTING:** The affirmative vote of at least four members shall be required for the approval and taking of official action on all matters, except that the adoption of a Master Plan or part of a Master Plan shall require the affirmative votes of not less than 2/3 of the members of the Planning Commission. Voting shall ordinarily be by voice vote unless a roll call vote is requested by a Commissioner or directed by the Chairperson. All members of the Commission shall vote on all matters, but the Chairperson shall vote last in order to decide a tie.
- 1) MOTIONS:** Motions shall be restated by the Chairperson prior to voting on the motion. It shall be in order, for a Commissioner voting in the majority, either yea or nay, to move for a reconsideration of a motion voted upon at that meeting or at a previous meeting. A motion to reconsider, after being considered and lost, shall not be renewed.
  - 2) ABSTENTION FROM VOTING AND CONFLICT OF INTEREST:** No Commissioner shall vote or participate in the discussion of a question, issue or decision where the Commissioner has knowledge that the outcome of the question, issue or decision will provide a direct or indirect financial benefit, different from any financial benefit shared by the general public, to the Commissioner, a member of his or her immediate family or a business with which he or she is associated.

In such event, the Commissioner shall abstain and shall state on the record, or in writing for inclusion in the record, the facts which create the conflict.

Where no conflict exists as a member of law, but a Commissioner is concerned that facts exist which may create the appearance of a conflict, the Commissioner shall participate in discussion and shall vote on the matter, but before doing so shall make a disclosure on the record, or in writing for inclusion in the record, the facts which create the appearance of a conflict.

Unless otherwise prohibited by law, if all sitting members of the Commission are present at a meeting and one or more members must abstain because of a conflict of interest and such abstention(s) result in the inability of the Commission to take action, then the member(s) with the conflict may be permitted to vote. In such event, in addition to stating on the record, or in writing for inclusion in the record, the facts which create the conflict, the Commissioner shall vote his or her conscience disregarding his or her personal interest and shall state the facts in support of his or her vote on the record

If a question arises as to whether or not a conflict exists, the Commission may postpone the matter to seek legal opinion regarding the existence of a conflict, or may by a simple majority vote of the remaining members determine whether a conflict exists utilizing the guidelines set forth above.

**G) ATTENDANCE:** No member of the Commission may be absent from a meeting without first obtaining leave from the Chairperson. The Chairperson shall report whether any member has been granted leave from attendance and the cause therefore. The Commission may review the attendance of any member to determine whether any absence is excused. The ex-officio member of the Commission shall report to the Village Council when any member has been absent without being granted leave by the Chairperson or the Commission three times within one year. The Village Council may remove a member for non-attendance of a minimum of three absences within one year.

**H) REGULAR MEETING AGENDA:** The Chairperson shall prepare an agenda for each meeting. Each item of business shall contain a note of the intent of the item to be discussed and at whose request the item is being considered. Agenda items presented to the Secretary after 4:30 p.m. on the Wednesday preceding the regular meeting, shall only be considered for the agenda upon the affirmative vote of at least five members of the Commission. The general outline for the order of business is as follows:

- A) Call Meeting to Order
- B) Roll Call
- C) Approval of Minutes
- D) Treasurer's Report
- E) Additions or Changes to the Agenda
- F) Conflict of Interest

- G) Correspondence
- H) Public Comment
- I) Zoning Administrator's Report
- J) Unfinished Business
- K) New Business
- L) Committee Reports
- M) Public Comment
- N) Planning Commission Members and Chairperson Comments
- O) Adjournment

- I) MINUTES:** The minutes prepared by the Secretary of the Commission shall contain the record of all members present for the whole meeting and a record of those members who arrive late or leave early, a brief synopsis of the meeting, all motions and votes taken and all conditions and recommendations made on an action. All communications, actions and resolutions shall be kept on file in the Empire Village Office.
- J) PUBLIC ACCESS TO MEETING RECORDS AND MEETINGS:** All regular and special meetings and hearings shall be open to the public in accordance with the provisions of the Open Meetings Act. All deliberations and decisions shall be made at a meeting open to the public. A person may address the Commission at the time it is considering Public Comments and may address the Commission, at the discretion of the Chairperson, during its consideration of an item of business. A person shall limit their remarks on a particular subject to three minutes, unless prior arrangements have been made. Communications of greater length shall be submitted in writing. No person shall be excluded from a meeting except for a breach of the peace, committed at the meeting. All records and accounts shall be open to the public in accordance with the provisions of the Freedom of Information Act.

## **SECTION 5. MATTERS TO BE CONSIDERED BY THE COMMISSION**

The following matters shall be presented for consideration at a meeting of the Planning Commission:

1. Petitions and staff proposals for changes to the Zoning Ordinance.
2. All preliminary plans and reports for the physical development of the Village, including the general location, character and extent of streets, parks and open spaces; the general location of public buildings and public property; the general location and extent of public utilities and terminals.
3. The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of public ways, public grounds, public open spaces, public buildings or public properties.
4. Subdivision Control Act plats.
5. All planning reports and plans before publication.
6. The Commission's budget requests and requirements for the fiscal year.
7. The selection of consultants and determination of compensation for hired employees and consultants.
8. All other matters the Chairperson shall find advisable or essential for consideration

- by the Commission.
9. Chairperson, in March of each year will have the Zoning Administrator present to the Planning Commission an update of all outstanding “**Site Plans**” and the status of their special conditions attached at time of approval have been met.
  10. Chairman will at time of approval of a Site Plan that contain conditions, will ensure that the conditions are attached to the plans, signed, dated, and filed in the Village Office.
  11. Chairperson, in November will review with Planning Commission the Recording Secretaries rate of Pay.
  12. Chairperson shall make an annual written report to the Village Council concerning its operations and the status of planning activities, including recommendations regarding actions by the Village Council related to planning and development.
  13. All commissioners are encouraged to attend at least one training session or conference annually.

## **SECTION 6. CAPITAL IMPROVEMENT PROJECT REVIEW**

Capital improvement programs are based upon the requirement of the Village for all types of public structures and improvements. Consequently, each agency or department of the Village with authority for public structures and improvements shall upon request, furnish the Planning Commission with studies, lists, plans, and estimates of time and costs of those public structures and improvements.

Documents shall be submitted to the Village Zoning Administrator for his review. The review shall be based on his interpretation and analysis on how this project fulfills or does not fulfill meeting the standards set forth in the following documents: Master Plan, Recreation Plan, Transportation Plan and Capital Improvement Plan. Projects under \$10,000 shall be exempt.

The Zoning Administrator’s review shall be put in writing as a finding of fact and forwarded to the Planning Commission for review and approval. To ensure a timely review, the Planning Commission must act within 35 days after submission of the CIP proposal to the Planning Commission.

## **SECTION 7. AMENDMENTS**

These rules may be amended by the Commission by a concurring vote, pursuant to Section 4.F., provided that all members have received a copy of the proposed amendments at least three days prior to the meeting at which the amendments will be considered.

### **Amended:**

**Sept 2, 1997; May 4, 1999; July 6, 1999; Sept 6, 2005; Nov 1, 2005; Feb 5, 2008; April 2, 2008; May 7, 2013; March 6, 2018; August 4, 2020; December 1, 2020; December 17, 2020.**